



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
LUIS M. BALTAZAR, RN	:	
License # 26NR12653100	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Luis M. Baltazar ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 28, 2014, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing

education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent was also asked whether he completed the one hour course on Organ and Tissue Donation. Respondent answered "Yes" to both questions and certified the answers by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on August 19, 2014 by the Edison Police Department for violation of N.J.S.A. 2C:12-1A (Simple Assault), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Edison, New Jersey, via regular and certified mail on or about September 17, 2014. The regular mailing and the certified mailing were both not returned and the certified mail was received on September 23, 2014.

5. Respondent partially replied on three occasions and provided the Board with the scheduled court dates for his criminal matter. Respondent provided no other information or documentation as requested (copy of the municipal court complaint, copy of the police report, copy of the municipal court disposition, proof of payment of any fines or costs, name and address of his employer, job title, dates of employment, shift, type of unit worked, copy of recent performance

evaluation, narrative statement providing his version of the events and conduct that led to his arrest, and documentation of completion of continuing education).

6. The Board received information indicating that the criminal matter had been dismissed in the Edison Township Municipal Court on November 6, 2014.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to fully respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the

continuing education credits required for renewal during the biennial period of June 1, 2012 to May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying his continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 15, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Mr. Baltazar responded to the Provisional Order, providing the information and documentation originally requested by the Board, including documentation of dismissal of charges against him. In addition, Mr. Baltazar provided documentation of completion of required continuing education for the 2012-2014 licensing cycle. Therefore, the Board determined that suspension was no longer applicable, and that the findings of a violation of N.J.A.C. 13:37-5.3 and N.J.S.A. 45:1-21(b) were not warranted. Thus the reprimand and the \$250 civil penalty should not be imposed. However, the Board noted that respondent's delay in providing all requested information led to delay, and a needless expenditure of effort and resources on the part of the Board. The Board therefore determined that the monetary penalty for Mr. Baltazar's initial failure to cooperate with the Board investigation should be imposed upon finalization of the Provisional Order of Discipline.

ACCORDINGLY, IT IS on this 19th day of November, 2015,

ORDERED that:

1. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card

payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos-Bonilla, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment shall be rejected and shall be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:

Patricia Murphy PhD APN

Patricia Murphy, PhD, APN
President